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Fifty-eighth session

SUMMARY RECORD OF THE 1543rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 29 October 1996, at 10 a.m.

Chairman: Mr. AGUILAR URBINA

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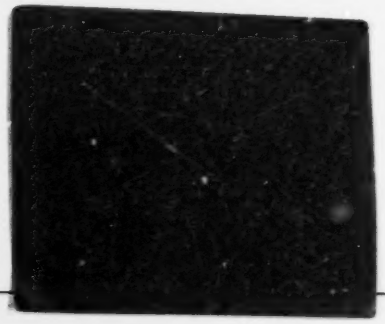

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GE.96-18759 (E)

The meeting was called to order at 10.20 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 40 OF THE COVENANT (agenda item 4) (continued)

Initial report of Gabon (continued) (HRI/CORE/1/Add.65; CCPR/C/31/Add.4; CCPR/C/58/L/GAB/3)

1. The members of the delegation of Gabon took places at the Committee table.

2. Mr. MAMBOUNDOU MOUYAMA (Gabon) said that the delegation would reply to the questions asked at the 1542nd meeting, on part II of the list of issues.

3. Mr. RAZINGUÉ (Gabon) provided clarifications on physical restraint. That was not civil imprisonmnet for the non-payment of debt, but a penalty imposed for a criminal offence consisting of non-performance of a court decision. It was aimed in particular at individuals who arranged their own bankruptcy and refused to comply with the court's decision. His delegation had taken due note of the suggestions made by members of the Committee in that regard and would pass them on to the competent authorities.

4. Mr. EMBINGA (Gabon), replying to questions on article 12 of the Covenant, beginning with the questions raised about the exit authorization system imposed on foreigners, said that nationals were completely free to move about as long as they could prove their identity, which meant carrying some form of identification on their persons at all times. Foreigners also had complete freedom of movement once they had met the legal conditions for entry and residence. Residence was based on obtaining a residence card, issued upon payment of a charge of CFAF 50,000. A repatriation bond equivalent to the price of an airline ticket was also required, which was in conformity with the provisions of international law on the guarantee of repatriation, and which should be distinguished from the expenses incurred for the residence card. Refugees did not have to put up the repatriation bond, and the residence card was free. In practice, the exit authorization formality did not limit freedom of movement. It did not apply to temporary visitors (tourists and businessmen) and met the same concerns as checks at border crossings. It was never refused as long as the legal residence requirements were met. Gabon had the well-deserved reputation of being a country of immigration. The sizeable foreign colony lawfully resident in the territory lived peacefully and was considered to be an asset for the country's economic and cultural development. Immigration must, however, be controlled; illegal entry and exit could not be tolerated and therefore constituted a legal offence. The authorities had recently undertaken repatriation and regularization operations with regard to illegal immigrants. The policy towards exit authorizations remained flexible, aimed at finding a solution that could reconcile observance of the rights covered by the Covenant with the defence of Gabon's vital interests, as the Committee had suggested.

5. Mr. RAZINGUÉ, responding to the questions on article 82 of the Constitution concerning the establishment of emergency courts, said that, prior to the elimination of the State Security Court, there had been four such courts. The three remaining courts were the Supreme Court of Justice; the

Special Criminal Court, for trying officials who had misappropriated public funds; and the Special Military Court instituted by Act No. 7 of 20 December 1973. That Court was competent to try servicemen for offences committed either in peacetime or in wartime. It was composed of a military judge and two military assessors, for lesser acts, and three judges and six military assessors, for criminal offences.

6. Mr. MAMBOUNDOU MOUYAMA (Gabon) turned to the question of the powers granted to the President of the Republic by article 26 of the Constitution to issue ordinances when parliament was in recess. It should be noted that any such ordinance was subject to subsequent ratification by the National Assembly and to the approval of the Constitutional Court, it being understood that anyone who considered his rights to have been violated could challenge a law before the Constitutional Court. The Gabonese Parliament was not currently in session. For the past five months the President had had available to him the prerogative conferred by article 26 but had not yet used them, although cases had arisen where legislation should have been passed; in order to authorize the Government to borrow on behalf of the State, for example, the President could have adopted a law of authorization, but he had preferred not to do so. Article 26 of the Constitution existed for cases where interim measures would be needed, but the powers it authorized were always offset by the ability of the next Assembly and the Constitutional Court to annul the decision.

7. Mr. RAZINGUÉ (Gabon) provided additional information on the application of the guarantees proclaimed under article 14 of the Covenant. All interrogations took place in conformity with the Code of Criminal Procedure and the party was informed of his rights. If he did not speak French, he could be assisted by a sworn interpreter. He was assured of the right to a lawyer from the time of his first appearance before the examining magistrate, and was free not to make a statement unless his attorney was present. None of those guarantees was subject to any exceptions. In criminal cases, any accused person without a lawyer could have one assigned to him ex officio. During the proceedings, witnesses were summoned and gave testimony; spouses and offspring could not be called upon to testify. The double-hearing principle was guaranteed, and any court decision could be contested before a court of appeal. It was also possible to apply for a judicial review, but only on points of law.

8. With regard to the criminal liability of minors, it should be stressed that persons under age 13 could not be arrested. Minors aged 13 to 18 could be subject to committal but could not be sentenced to a penalty as such. The emphasis was placed on measures for reintegration.

9. Mr. EMBINGA (Gabon) said that, within the framework of the application of article 17 of the Covenant, which protected the right to privacy, further information had been requested on house searches and body searches. Both procedures were part of the judicial order and were strictly regulated. If the offence was not immediately clear, a preliminary investigation was opened; in cases where the home had to be visited, it was a house visit, and not a search, that was ordered; and the written consent of the party concerned was required. In cases of flagrante delicto, investigatory powers were broader; searches could be undertaken in the presence of the occupant of the premises

and during the statutory hours of 5 a.m. to 7 p.m. Body search was another form of search, was therefore subject to all the guarantees accorded to searches in general and was undertaken under the same conditions.

10. Mr. MAMBOUNDOU MOUYAMA (Gabon), replying to a question on the rights of legitimate and illegitimate children, said that the Civil Code granted equal rights to all children legally recognized by their parents.

11. Members of the Committee had expressed concern about respect for the rule of law in Gabon. Everything was being done to establish the rule of law, and great progress had already been made in that direction. The 1990 elections had been followed by protests and riots, and the same had happened in 1993. In early October 1996, however, the elections had not given rise to the least protest. The political class and public opinion had declared themselves satisfied with the legality of the voting process. Progress was very real.

12. Further information had been requested on freedom of expression, the right of peaceful assembly and freedom of association. Prior to 1993, the audio-visual, film and print media had been governed by a law of colonial origin, dating from 5 January 1960, which had been replaced by an ordinance adopted in 1993. It was very easy to create print media in Gabon. The only requirement was to obtain a receipt of statement from the Minister of Communications, who did not have the right to refuse it as long as the applicant submitted a copy of the printing contract entered into with the printer and stipulated the nature of the distribution network. The Minister of Trade then issued a licence to engage in commercial activity. Ever since their creation, the print media had functioned freely, and since 1993 no journalist had been prosecuted by any political authorities for criticizing them. There was even a satirical newspaper which regularly lambasted the Head of State and the Government, as well as critical humorous broadcasts on public radio. The special status of media professionals (see para. 57 of the initial report) which had been on the agenda of Parliament had now been adopted and had entered into force. There were independent radio stations and a professional union. The only persons not entitled to establish print media were the President of the Republic and members of the Government, agents of the security forces, judges, members of the National Communication Council and members of State bodies. There was also the statutory deposit procedure, but it did not endanger freedom on the press. To date, only one newspaper had been suspended from publishing, for a fixed period of time, due to manipulation of photographs. Many publications disappeared simply because they were run by small- or medium-sized enterprises which were having trouble making a profit. The authorities encouraged mergers of publications to increase their chances of survival. There was no censorship in Gabon, but the authorities wanted to protect morals and customs and consequently banned obscene publications. An effort was under way to protect youth through legislation against the influence of violent films.

13. Freedom of association was fully exercised, and there were two large trade union federations, the Gabonese Trade Union Confederation and the rival General Confederation of Free Trade Unions, which were recognized by the International Labour Organization (ILO) and took part in all international conferences. There were two unions for higher education and research and two

for primary and secondary education. By way of example, one could cite a large number of unions in the various sectors: communications professionals; water and electricity distribution; maritime, air and rail transport; health and social security; post office and telecommunications; magistrature; and clerkships. There was even a union of the unemployed. Trade unions were not required to have a minimum number of members, as political parties were. The right to strike was legally guaranteed and exercised in practice; at that very moment, teachers were on strike for pay rises. The right to strike went hand in hand with the duty to do a minimum amount of work. However, no one had every been dismissed for going on strike.

14. The right to demonstrate was also guaranteed, as long as the Prefect of Police and the Minister of the Interior or his representative in the provinces (prefect or governor) was informed 48 hours in advance and given the itinerary to be followed by the demonstration. The organizers assumed civil liability and the authorities' consent was given tacitly.

15. Mrs. ONDO (Gabon) said that the issues of contraception and family planning should be viewed within the demographic context of Gabon. According to the 1993 census, Gabon had a population of 1,011,000 and a population density of 5 inhabitants per Km^2. In 1990, the birth rate had been 35.9/1,000, the mortality rate 15/1,000, the infant and child mortality rate 161/1,000 and the maternal mortality rate 600/100,000 live births. During the years 1985 to 1990, the infant mortality rate had been 99/1,000. Given those unfavourable demographic indicators, the Government had decided to encourage a higher birth rate, and its policy was aimed at protecting the mother and child by setting up appropriate and universally accessible health infrastructures. A fertility research centre had been established and a maternal and child health programme instituted. Several years previously, the Government had issued an ordinance forbidding contraception and penalizing abortion. In the face of the rise in sexually transmissible diseases, particularly AIDS, and given the large number of deaths due to illegal abortions, the Government had given in to the demands of women and repealed that ordinance, thereby permitting the complete liberalization of contraception. The Ministry of National Education had launched a sweeping programme on education in family life, including sex education courses at the primary and secondary school levels. Women in Gabon could now exercise fully their right to reproductive health.

16. Mr. MAMBOUNDOU MOUYAMA (Gabon) returning to the question of ethnic minorities, assured the Committee that the Gabonese authorities were anxious to govern the country according to the principle of unity and national cohesion. There were certainly large numbers of ethnic groups in Gabon, but there was no discrimination on grounds of ethnic origins. The terms used in paragraph 69 of the report (CCPR/C/31/Add.4) were obviously clumsy and had not helped the members of the Committee to understand the authorities position on the issue. As a result of its ethnic diversity and history, Gabon did not have the good fortune to have a single national language shared by its entire population. French remained the only "linguistic cement"' as the language used in the administration and in all official forums. In administrative and legal procedures, those who did not speak French were provided with the services of a translator.

17. As to the question of political parties in Gabon, it should be stressed that the regulations concerning the size of membership was in full conformity with the spirit of the Constitution. The authorities did not encourage the formation of regional or ethnic parties. That was why a political party had to have at least 3,000 members in at least 5 of the 9 regions in order to be registered. That being said, there were 20 parties in Gabon, which was a lot for a State of just over 1 million inhabitants. It would doubtless be better for the parties to be less numerous but stronger, but that was a matter for the voters to decide.

18. As to the right to leave a political party, everyone was free to resign from a political party in Gabon, except for holders of elected office. Recent events in the National Assembly had led the authorities to require deputies who wished to change their political affiliation to submit themselves for re-election. That was intended to discipline political practice and to combat corruption.

19. Mr. EMBINGA (Gabon), replying to a question on State secrets, said that the concept did not exist in Gabon and that there was therefore no law on the matter. The law recognized only two concepts: professional secrets and defense secrets.

20. Mr. RAZINGUÉ (Gabon), in response to questions on prosecutions that could be brought against judges, said that a distinction should be made between disciplinary prosecutions and repressive measures. In the former case, prosecutions emanated from the Supreme Council of justice, meeting as a special instance and presided over by the President of the Judicial Court. Penalties ranged from a simple warning to removal without the right to pension. In the second case, an investigation was initiated by the superiors of the judge concerned, at the behest of the Supreme Council of Justice which was then presided over by the Head of State. A judge could not be arrested without the Supreme Council of Justice being apprised, except in cases of flagrante delicto.

21. Mr. PRADO VALLEJO asked what exactly was meant by the phrase "attack on the image of the nation" in paragraph 22 of the report. The word "image" had a subjective connotation, and it was important to know how the Gabonese authorities interpreted it. Did "attack on the image of the nation" cover attacks on the symbols of the Republic? What penalties were called for in that regard, and had they ever been applied?

22. The CHAIRMAN asked for clarifications on the courts for members of the armed forces, and also asked what was the percentage of civil cases tried by military courts.

23. As to the deputies, he understood that they were required to respect their party's voting instructions. Was that true?

24. Mr. MAMBOUNDOU MOUYAMA (Gabon), replying to Mr. Prado Vallejo, said that attacks on the image of the nation referred to cases of high treason and espionage on behalf of a foreign Power in wartime. Those were exceptional

circumstances, and they were not directed at such symbols of the Republic as the flag or the national anthem, which had always been respected by the Gabonese.

25. In reply to the question about the military courts, he said they were not always in session. The judges were appointed for two-year terms but sat only when needed. Members of the armed forces were tried by special military courts only in cases of high treason in wartime, and civilians could not be tried by such courts.

26. Mr. EMBINGA (Gabon) said that members of the armed forces were tried either by a civil or by a military court depending on the nature of the offence. Purely professional misdemeanours by military personnel were referred to a disciplinary board or a commission of inquiry, which was an administrative body for inspecting the armed forces. If they had committed a criminal offence in a civilian setting, they were tried by an ordinary court. If, on the other hand, the criminal offence had been committed within military structures, it was dealt with by a military court, which was presided over by a civilian judge assisted by military assessors.

27. Mr. MAMBOUNDOU MOUYAMA (Gabon), replying to the question on voting by deputies who were members of a political party, said that they were free to respect or not to respect the instructions of their party. On the other hand, if a deputy or senator wished to resign from his party or change parties during his term of office, he was obliged to resign from his parliamentary or senatorial functions and to stand for re-election.

28. The CHAIRMAN thanked the delegation of Gabon for its replies and invited the members of the Committee to submit their observations with regard to consideration of the initial report of Gabon (CCPR/C/31/Add.4).

29. Mr. EL SHAFEI, recalling the concerns expressed by members of the Committee at the beginning of the examination of the initial report of Gabon to the effect that it did not provide sufficient information for the Committee to hold a meaningful dialogue with the delegation, said that the delegation's replies to the many questions raised orally or in writing had enabled the Committee to form a better idea of the situation in Gabon as to the status of the Covenant and the manner in which it was being implemented.

30. By way of general comment, he said that, since 1990, Gabon had been moving towards a participatory democracy of power-sharing and respect for fundamental rights and freedoms with the National Reconciliation Conference, the Constituent Assembly and the adoption of a new Constitution, article 1 of which was almost a bill of rights. In addition, there was a multi-party system and several laws had been enacted that instituted or strengthened guarantees of the enjoyment of citizens rights (see HRI/CORE/1/Add.65, paras. 13 et seq.).

31. As part of that process, Gabon should give serious consideration to the commitments it had assumed by ratifying various international treaties. The Covenant should take its rightful place in the constitutional and legal order, and its text should be disseminated, at a very minimum to members of the judicial profession, lawyers, the judicial police and prison officers.

Examination of the initial report of Gabon could mark the start of a process of educating and informing the public of the country's recognition of international human rights standards, thereby assisting in the transition to a stable society.

32. His second observation concerned the factors and difficulties that could impede the introduction and implementation of constitutional and legal reforms. Perhaps one of the main obstacles was the weight of custom and tradition in the matter of equality between the sexes, particularly with regard to the custody of children. The only way to surmount that obstacle was through education, along with affirmative action to counterbalance the inequality of the most vulnerable.

33. During the dialogue, the Committee had expressed its concern at the gaps in certain laws and the incompatibility of other laws, not to mention practice, with the Covenant. The laws on pre-trial detention permitted excessive use of such detention in relation to what was authorized by the Covenant. The right to contact one's lawyer, family or doctor in case of need should be guaranteed by law. Freedom of association and the treatment of immigrants and refugees were areas requiring greater observance of the Covenant by Gabon. Members of the Committee had also frequently referred to the contacts the authorities should establish with local non-governmental organizations (NGOs) working in the field of human rights to encourage them to participate in the democratization and modernization process.

34. Mr. LALLAH said that, following the strong reservations he had expressed as to the content and quality of Gabon's report, which he had found overly brief, he would revise his opinion in the light of the very fruitful dialogue that had taken place between the Committee and the delegation, thanks to the efforts of the latter. It was now up to the delegation to learn from the dialogue how to draft reports, knowing that it was the Committee's wish to help the State party during the crucial period of constitutional change. He hoped that the Committee would receive a second, detailed periodic report which would deal with all the laws and the relevant decrees as well as with the manner in which human rights were actually applied in Gabon.

35. By way of a final observation, he welcomed Gabon's return to democracy but recalled that, in order truly to prosper, democracy required care, particularly the complete and constant respect for human rights as enunciated in the Covenant. In concrete terms, he had had some difficulty in understanding the role played by deputies in Gabon. The delegation had certainly explained that point, but only very briefly, and he remained puzzled by the manner in which a deputy could lose his seat. In his opinion, someone elected by the people should be free and should not be punished because of a freely chosen position. Perhaps there were particular situations in Gabon which explained the rule that was followed. In any event, Gabon should study the Committee's general comment on article 25 of the Covenant to see how it was already applying its provisions. The Committee had been given very little information on how elections were conducted and how deputies kept or lost their seats. He hoped that Gabon would not wait 13 years to submit its second periodic report and that the delegation that presented it would be as competent and sizeable as at the current session.

36. Mr. PRADO VALLEJO said it was clear from the delegation's oral explanations that Gabon was in the midst of a transition to democracy and a multi-party system, a fact which should be stressed, as there were no human rights without democracy. However, he had the impression that the Gabonese legal system did not yet guarantee all the rights laid down in the Covenant, despite the obligation under article 2. Unfortunately, the report did not indicate the difficulties impeding the implementation and guarantee of the rights covered by the Covenant, except by brief allusion in paragraph 70. Consequently, he hoped that in its next periodic report Gabon would present a clear and specific table of legislation and of current guarantees and remedies to give effect to human rights.

37. More specifically, he asked for clarifications on what was stated in paragraph 36 of the initial report concerning article 11 of the Covenant, namely, that in civil claims, after a certain period of non-payment, the convicted offender could be subject to imprisonment, whereas the Covenant stipulated that no one could be imprisoned for debt. Concerning article 12 of the Covenant, according to paragraph 37 of the report, freedom of movement could be restricted only by law; Gabon should specify in its next report what restrictions there were on that right, whether they were in conformity with the law and whether the right was fully guaranteed. With regard to minorities, according to paragraph 69 of the report the problem did not arise in Gabon a priori. That response was not sufficient; further information was needed, as problems had apparently occurred: what had been done to resolve them, and with what results?

38. To his question on the meaning of the phrase "image of the nation", used in paragraph 22 of the report with regard to attacks on public order and security as well as on the authority of the State, the delegation had replied that those were acts of treason against the nation, which was an offence of an entirely different nature. He hoped that the second periodic report would provide information on the laws and regulations as well as on the applicable penalties for the various offences covered by paragraph 22, and that the second report would be submitted in the fairly near future.

39. Mrs. CHANET thanked the delegation for its praiseworthy efforts to reply to the Committee's many questions which were justified in view of the laconic nature of the report, although at least it had given rise to lengthy and informative oral expositions. She warmly welcomed the positive developments which since 1990 had been leading Gabon towards a multi-party system in the process of transition towards real and complete democracy.

40. Her concerns pertained to the incorporation of the Covenant into domestic law. Gabon had a monistic system, and it was therefore regrettable that the Covenant was not mentioned in the Constitution, not even in a reference in the preamble. Most of the rights proclaimed in the Covenant were not enunciated in the Constitution, and Gabonese citizens had only limited means of becoming aware of those rights and exercising them. At a time when the country was proceeding to amend its Constitution, it seemed the right moment to recommend that the delegation should convey to its Government the Committee's observations on the incorporation into the Gabonese Constitution of the rights guaranteed by the Covenant.

41. On the subject of the death penalty, she understood that the Gabonese authorities had preferred to allow it to become a dead letter without stirring up a real debate that might be counterproductive. However, that did not prevent the Penal Code from being revised, especially since the State Security Court had been abolished: why then should the death penalty be maintained as a penalty for offences that in fact were dealt with by that Court, such as conspiracy?

42. She also had serious reservations about the guarantees concerning security of person. She noted that there was no administrative preventive detention, but remained concerned by the length of police custody, which could be as much as eight days, during which time the detainee did not have access to a lawyer or a doctor and was not brought before a judge. Pre-trial detention in criminal cases could be as long as two years, which did not seem justified. She had also noticed that the services of an officially appointed attorney were provided free of charge for crimes, from which she deduced that that was not the case for offences, a situation that was not in conformity with the provisions of article 14 of the Covenant.

43. As to public freedoms, including in particular freedom of movement, assembly and association, whenever they were enshrined in the Constitution, there was always a reservation concerning public order, which was often the best way to rob those freedoms of their meaning, if no definition was given. Restrictions authorized in the name of public order should be surrounded by certain guarantees - it should be stipulated that the restriction must be provided for by law and that a judge must ascertain the legality and appropriateness of the restriction, or at least respect for the principle of proportionality. As Gabon had just created an Administrative Court, it would certainly be competent to decide on that type of remedy when public freedoms were at stake, and legislative and jurisprudential rules would make that review possible. The delegation should inform the authorities of the requirements of the Covenant and of the jurisprudence of the Committee with regard to the concept of public order.

44. She agreed with Mr. Lallah on his interpretation of article 25 of the Covenant and on what the Committee expected of delegations when questions were raised in connection with that article. With respect to article 27 of the Covenant, it was well known that most countries simply stated that they did not have minorities or had no problems vis-à-vis minorities in the belief that the article only meant that there should be no discrimination against minorities. That was not, however, its precise meaning. A reading of the Committee's general comment on that provision of the Covenant might enlighten the Gabonese delegation and help it to provide other answers in its second periodic report, which she hoped would be submitted in the very near future.

45. Lord COLVILLE said that, even before the Committee had begun its examination of the initial report of Gabon, he, like other members, had wondered about the status of the Covenant there and the rights proclaimed for Gabonese citizens, which was the reason for the many questions posed to the delegation. The information contained in the initial report and the core document was insufficient, but the delegation had remedied that with its very comprehensive replies, which had been invaluable and augured well for the future. He was particularly struck by the fact that there was freedom of

expression in Gabon, and even satirical publications and programmes, which could be very useful for individuals who could not defend their rights by other means.

46. Mr. BUERGENTHAL said he appreciated the sincere efforts made by the Gabonese delegation to clarify the many points that had not been covered in the report. Dialogue with the delegation and the reading of the initial report and the core document showed that when the State party had ratified the Covenant it had not really reflected on any possible conflicts between that instrument and Gabonese legislation. In fact, there were very few fields in which there was no contradiction between the two. That was why the Government should ask a national commission to study the various areas of conflict and make recommendations with a view to amending the legislation. In that regard, the Centre for Human Rights could be of help, by conveying the Committee's interpretations of certain articles of the Covenant. The exercise would also serve to educate the Gabonese in the field of human rights.

47. The three specific needs he wished to stress were, first of all, to create a civilian police force which was no longer subject to military authority; to review the length of police custody and pre-trail detention; and to bring the provisions on proclamation of a state of emergency into line with article 4 of the Covenant.

48. Mr. ANDO expressed the hope that the next periodic report of Gabon would enable him better to understand the situation in three areas. First of all, with regard to women in Gabonese society, he wondered whether, as a result of tradition, Gabonese women still had practical difficulties in defending their rights at the civil and social levels. During examination of the next periodic report, perhaps there could be a few women in the delegation.

49. Secondly, on the status of foreigners, he understood that a State was free to regulate entry and exit of foreigners to and from its territory, given that freedom of immigration could have major economic and social consequences. On the other hand, immigrants had fundamental rights that had to be protected, including those spelled out in articles 12 and 13 of the Covenant. The Office of the United Nations High Commissioner for Refugees (UNHCR) could provide assistance to States experiencing difficulties in that regard. Information on the subject should be included in the next periodic report.

50. The third subject of concern to him was minorities, and in that connection he agreed with Mrs. Chanet's observations on the meaning of article 27 of the Covenant. Since French had been adopted as the language of communication in Gabon, litigants who did not understand French were entitled to the free assistance of an interpreter. It was true that the colonial heritage of many independent African countries had often imposed borders on them which had no real justification and which obliged very different groups to coexist. It was difficult for Governments to ensure the protection and promotion of human rights in such a context, but that difficulty was itself the test of their political will. It was to Gabon's credit that freedom of expression and freedom to criticize the Government were protected. In his opinion, education in the field of human rights would play an important role in promoting and protecting those rights, not only in primary, secondary and

university education but also in educating the public at large and the State bodies responsible for enforcing the law, particularly members of the legal profession.

51. Mr. KLEIN thanked the delegation for filling in most of the gaps in its initial report through its oral and written responses. On substantive matters, he welcomed Gabon's return to democracy, which undoubtedly guaranteed greater respect for human rights. None the less, in order to ensure that respect, it was indispensable to guarantee the independence of the judiciary, and he strongly urged the Government to take the necessary relevant measures. Furthermore, the dissemination of information on the existence of human rights and mechanisms for their implementation was of the greatest importance, and in that regard he recommended that the authorities, particularly the Ministry of Human Rights, should cooperate closely with national groups for the defence of human rights. Without disputing the usefulness of French as the national language of Gabon as a unifying factor, he recalled that the provisions of article 27 of the Covenant should none the less be respected, given the contribution that minorities in general could make to any nation. He hoped that the second periodic report would describe measures taken to encourage greater respect for the rights of minorities.

52. Mrs. EVATT welcomed the dialogue that had been initiated with the delegation and thanked it for the willingness with which it had enlightened the Committee on the manner in which the rights proclaimed in the Covenant were safeguarded in Gabon. The country was in a transitional period and it was still too early to know whether those rights would be specifically enshrined in legislation and exercised in practice. An independent institution should be set up in Gabon to monitor respect for the fundamental rights of individuals. In addition, a national body should be asked to determine the compatibility of the Covenant and the Constitution and to examine legislation to see whether there were effective remedies in cases of violations of the rights contained in the Covenant. Specific legislative measures should also be taken to ensure equality between men and women in all areas, especially with regard to access to education and employment and participation in public life. An appropriate mechanism should be put in place to investigate thoroughly all allegations of ill-treatment in prison. Likewise, steps were needed to ensure more effective observance of the rights enunciated in articles 12 and 27 of the Covenant. It was to be hoped that, in its forthcoming periodic report, the Government would announce that it had taken measures to ratify the first and second Optional Protocols to the Covenant.

53. Mr. BHAGWATI thanked the delegation for responding so frankly and sincerely to the Committee's questions, thereby enabling it to fill in the gaps in the initial report of Gabon. He agreed with the observations already made by members of the Committee. In his opinion it would be desirable for the Government to set up a national commission to monitor implementation of the rights covered by the Covenant, to determine the extent to which national legislation was in conformity with the Covenant and if necessary to formulate recommendations for amending certain laws. Given that there had been no executions in Gabon for the past 10 years, the Government could easily plan to abolish the death penalty in its legislation and consequently ratify the second Optional Protocol. The Government should also take steps to

disseminate information on the international human rights instruments more widely and include human rights education in the curricula of schools and in training programmes for the police and armed forces. The provisions of article 14, paragraph 7, of the Covenant should be incorporated into Gabonese law and guarantees should also be proclaimed in legislation to ensure respect for articles 15 and 22.

54. Mr. BRUNI CELLI warmly thanked the delegation for its presentation of the initial report and for its willingness to cooperate, as demonstrated by its dialogue with the Committee. The Government could avail itself of the advisory and technical assistance services of the Centre for Human Rights in preparing its second periodic report and in planning steps for securing enhanced implementation of the Covenant. The exchanges that had taken place had provided an opportunity both to bring out continuing concerns about the human rights situation in Gabon and to note the progress already made in dealing with difficulties. He hoped the delegation would transmit to the national authorities the results of the fruitful debate that had taken place within the Committee as quickly as possible.

55. Mr. FRANCIS said that the aim of his question about legislation on registering political parties had simply been to determine whether the legislation had been framed in such a way as to avoid any conflict between the parties. He also hoped that the next periodic report would reflect progress in filling in the gaps in national legislation on respect for human rights. He was pleased by the fact that the delegation of Gabon had been one of the few to include a representative of the Ministry of the Interior, the deputy director of the central prison.

56. Mr. MAMBOUNDOU MOUYAMA (Gabon) thanked the Committee for the indulgence it had shown towards his Government over the delay in submitting its initial report and hoped that the delegation's responses had filled in the gaps. The delegation regarded its exchanges with the Committee as an enriching experience and would report in writing to the ministries concerned on the results of the review which had taken place. He assured the Committee that the Gabonese authorities would endeavour to submit a second periodic report that was as complete as possible within the prescribed time period.

57. The CHAIRMAN announced that the Committee had thereby concluded its consideration of the initial report of Gabon.

58. The delegation of Gabon withdrew.

The meeting rose at 12.45 p.m.